IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.8661/06
Sahu Telian Samaj Samiti
Vs. Sita Ram Sharma & Ors.

26.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Anoop Agarwal for petitioner.

Heard learned counsel for the petitioner.

The petitioner has filed this writ petition challenging the order dated 20.5.2006 whereby his application under Section 151 CPC for taking the written statements on record was rejected.

From the contents of the order, it appears that petitioner was impleaded as party respondent on 5.9.2000 and thereafter the amended written statements were filed on 29.1.2001. Petitioner did

not file the written statement upto 6.7.2003 on which date the written statements were closed. The application for filing the written statements itself was filed with enormous delay on 25.3.2004. All these facts indicate that petitioner has been grossly negligent about the contest of the matter, so much so, the writ petition was filed on 22.7.2006 and remained on defect side till the defects were moved on 2.11.2006. The learned counsel for the petitioner has placed a judgment of this Court in Manik Singh & Ors. Vs. Kumawat Panchayat & Ors., 2004 WLC (Raj.) UC 576 (S.B. Civil Revision Petition No.174/1996) decided on 11.9.2003 in support of his arguments, but when the conduct of the petitioner has been grossly negligent in

contesting the suit, I do not find that the ratio of aforesaid case can be applied to this case.

No case is made out for interference. The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-